

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

PEDRO CARRASCO,

Plaintiff,

v.

STANDARD INSURANCE CO.,

Defendant

§
§
§
§
§
§
§
§
§
§

C.A. NO. _____

INDEX OF STATE COURT DOCUMENTS

1. Copy of the Civil Docket Sheet dated 04/07/16;
2. Plaintiff's Original Petition, filed 02/29/16;
3. Citation issued to Standard Insurance Company issued 03/07/16; and
4. Defendant's Original Answer, filed 04/04/16.

Exhibit

B

exhibitsticker.com

Respectfully submitted,

By: s/ Ryan K. McComber

Ryan K. McComber

State Bar No. 24041428

ryan.mccomber@figdav.com

Kristina A. Kiik

State Bar No. 24074532

kristina.kiik@figdav.com

FIGARI + DAVENPORT, LLP

901 Main Street, Suite 3400

Dallas, Texas 75202

Tel: (214) 939-2000

Fax: (214) 939-2090

ATTORNEYS FOR DEFENDANT
STANDARD INSURANCE
COMPANY

CERTIFICATE OF SERVICE

I certify that all attorneys deemed to accept service of the above-referenced document electronically will be notified via the Court's CM/ECF system and all others will be notified via certified mail, return receipt requested on this 11th day of April, 2016.

s/Ryan K. McComber
Ryan K. McComber



Bexar County

District Clerk/County Clerk Search

Full Case Information

Case Summary

Case Information for Cause #: 2016CV01051

PEDRO CARRASCO vs STANDARD INSURANCE CO

Cause No. : 2016CV01051
Name : PEDRO CARRASCO
Business Name :
Litigant Type : PLAINTIFF
Date Filed : 02/27/2016
Docket Type : DEBT/CONTRACT-OTHER
Case Status : PENDING
Court : 003

Information as of: 04/07/2016 10:21:01 AM

Exhibit

1

exhibitsticker.com

Case History

Currently viewing 1 through 4 of 4 records.

Type/Sequence	Date Filed	Description
P00001	2/29/2016	PLAINTIFF ORIGINAL PETITION
P00002	2/29/2016	PLAINTIFF JURY DEMAND
S00001	3/7/2016	CITATION STANDARD INSURANCE CO ISSUED: 3/7/2016 EXECUTED: 3/14/2016 RETURNED: 3/21/2016
P00003	4/4/2016	DEFENDANT ORIGINAL ANSWER(2PGS)

E-FILED

Bexar County, County Clerk

Gerard Rickhoff

Accepted Date: 2/29/2016 8:44:18 AM

Accepted By: Robert Trujillo

/s/ Robert Trujillo

Deputy Clerk

No. 2016CV01051**PEDRO CARRASCO**

§

IN COUNTY COURT

V.

§

AT LAW NO. CC# 03

§

STANDARD INSURANCE CO.

§

BEXAR COUNTY, TEXAS**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Exhibit**2**

This is a suit for damages arising from breach of an insurance contract and associated violations of the Texas Insurance Code and the Texas Deceptive Trade Practices Act. It is presently a Level 2 action under Rule 190.2, TRCP.

1. PARTIES.

(a) Plaintiff **PEDRO "PETE" CARRASCO** ("CARRASCO" or Mr. CARRASCO) is a resident of Bexar County, Texas.

(b) Defendant **STANDARD INSURANCE COMPANY** ("STANDARD") is a foreign insurance company licensed to do business in Texas, which may be served through its agent for process, C T Corporation System, 1999 Bryan Street, Suite 900, Dallas TX 75201 -3136.

2. VENUE. Venue is proper in Bexar County because a substantial part of the events or omissions giving rise to the claim occurred in Bexar County, and because this suit involves a claim against an insurer, and the loss occurred in Bexar County. §§ 15.002, 15.032, *Tex. Civ. Prac. & Rem. Code*.

3. FACTS.

(a) **PETE CARRASCO** went to work for the San Antonio Independent School District (SAISD) in 1991. He worked as a police officer. In 2009, he purchased, through SAISD,

a policy of disability insurance through **STANDARD**. The policy was in full force and effect, and all premiums due had been paid, on November 15, 2011.

(b) On or about that same date, **CARRASCO** became totally disabled within the meaning of the **STANDARD** policy. Plaintiff **CARRASCO** timely forwarded a completed claim for benefits and all required paperwork. **CARRASCO** provided information sufficient for **STANDARD** to determine that **CARRASCO** was disabled as of that date, and that he qualified for disability benefits under the terms of the policy. **STANDARD** paid **CARRASCO**'s disability benefits through February 27, 2014, but terminated them after that date.

(c) On and after February 27, 2014, **STANDARD** failed to timely respond to communications from Plaintiff, failed to conduct a timely investigation, failed to conduct a reasonable investigation, unreasonably delayed payment of the benefits of the policy, failed to provide to the policyholder a reasonable explanation of the basis in the policy for denying the claim, misrepresented the terms of the insurance policy, and failed to promptly and equitably pay or order payment of the claim once liability had become reasonably clear. All conditions precedent have been performed or occurred. All notices have been timely sent, and all appeal deadlines have been met.

4. **CAUSES OF ACTION.**

(a) **STANDARD** breached the contract of insurance between it and **CARRASCO** by terminating **CARRASCO**'s disability benefits on February 27, 2014, and such breach has been a producing cause of damages.

(b) The acts of the **STANDARD**, outlined above, are violations of §541.060 and §541.061 *Tex. Ins. Code*. Each and all of these acts or omissions were done knowingly and were a cause of damages to Plaintiff.

(c) The acts of **STANDARD** as outlined above are violations of §542.051 *et seq.*,

Tex. Ins. Code, and a cause of damages to Plaintiff.

(d) **CARRASCO** was and is a consumer, and the acts of **STANDARD** as outlined above are violations of §17.50, *Tex. Bus. & Comm. Code*, in that they are violations of §17.46 (5), (12), (14), and (24), or of §541.060 and §541.061 *Tex. Ins. Code*, as outlined in the paragraphs above. Each and all of these acts were done knowingly and were a producing cause of damages to Plaintiff.

5. DAMAGES.

(a) Disability benefits were due to be paid to Plaintiff under the Contract of Insurance. The unpaid benefits are an element of damages. Plaintiff also suffered the loss of use of the money for a period, and these damages are measured as interest. Plaintiff incurred attorney's fees and expenses correcting the errors of **STANDARD** in the underlying claim and these are actual damages.

(b) Because the acts of **STANDARD** were done knowingly, Plaintiff seeks damages for his mental or emotional anguish.

(c) Statutory penalties of eighteen percent (18%) of the policy benefit per annum, from the date the claim should have been acknowledged, or from the date the claim should have been paid, until the date it is paid should be awarded under §542.051 *et seq.*, TEX. INS. CODE.

(d) Statutory penalties of up to three times the amount of the policy limits and the other actual damages should be awarded under §541.152 TEX. INS. CODE. Exemplary damages may be appropriate.

(e) Plaintiff does not know exactly how much his damages are in monetary terms, but because the TEXAS RULES OF CIVIL PROCEDURE require him to do so, Plaintiff says that, at this time, he seeks monetary damages that are less than \$75,000.00 at the present time, including all

damages, pre-judgment interest, and costs of court.

6. **ATTORNEY'S FEES.** Plaintiff has been forced to retain the services of the undersigned attorney and requests that the Court award his reasonable and/or necessary attorneys fees under §541.152, TEX. INS. CODE, §542.060, TEX. INS. CODE, §17.50(d), TEX. BUS. & COMM. CODE, or § 38.001, TEX. CIV. PRAC. & REM. CODE.

P R A Y E R

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that he be awarded damages as set out above, as well and pre- and post-judgment interest, attorney's fees, costs of court, an order prohibiting such wrongful acts in the future, and such other and further relief to which he may be justly entitled.

Respectfully submitted,

STEPHEN G. NAGLE

1002 West Avenue

Austin, Texas 78701

(512) 480-0505 - Telephone

(512) 480-0571 - Facsimile

sgnagle@lawyernagle.com

Stephe

n G.

Nagle

By:

Digitally signed by:
Stephen G. Nagle
DN: CN = Stephen G.
Nagle email =
sgnagle@lawyernagle.
com C = US O = Nagle
Law Firm OU = Attorney
Date: 2016.02.27 19:19:
01 -06'00'

STEPHEN G. NAGLE, SBN 14779400
ATTORNEY FOR PLAINTIFF

CERTIFIED MAIL

"The State of Texas"

NO. 2016CV01051

PEDRO CARRASCO

Plaintiff
vs.

IN THE COUNTY COURT AT

LAW NO. 3

STANDARD INSURANCE CO

Defendant

BEXAR COUNTY, TEXAS

NOTICE

Citation Directed to: STANDARD INSURANCE CO
 BY SERVING ITS Registered Agent, CT CORPORATION SYSTEM
 1999 BRYAN STREET SUITE 900
 DALLAS, TX 75201-3140

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 27TH day of February, 2016.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 7TH DAY OF March A.D., 2016.



GERARD RICKHOFF

County Clerk of Bexar County, Texas

Bexar County Courthouse

100 Dolorosa Suite 104

San Antonio, Texas 78205

STEPHEN G NAGLE

Attorney/PLAINTIFF

address 1002 WEST AVE

AUSTIN, TX 78701-2056

By: Amanda Lyssy Deputy
AMANDA LYSSY

OFFICER'S RETURN

Came to hand day of , A.D. , at o'clock .M.
 and executed the day of , A.D. , in
 at o'clock .M. by delivering to
 in person a true copy of this citation together with the accompanying copy of plaintiff's
 petition. Served at

I traveled miles in the execution of this citation. fees: Serving citation
 \$ Mileage Total \$

 County, Texas
 By

The State of Texas

NON - PEACE OFFICER VERIFICATION
 VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO this day of ,



2016CV01051
 (DKC001)


NOTARY PUBLIC, STATE OF TEXAS

Exhibit

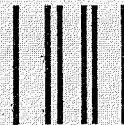
3

FILE COPY

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>STANDARD INSURANCE CO ATTN: CT CORPORATION SYSTEM 1999 BRYAN STREET SUITE 900 DALLAS TX 75201-3140</p>		<p>B. Received by (<i>Printed Name</i>)</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (<i>Transfer from service label</i>)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
		<p>4. Restricted Delivery? (<i>Extra Fee</i>) <input checked="" type="checkbox"/> Yes</p>	
PS Form 3811, July 2013		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X </p>	
		<p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>B. Received by (Printed Name) Chris Wells</p>	
		<p>C. Restricted Delivery MAILED 11 16 2016</p>	
<p>1. Article Addressed to:</p> <p>STANDARD INSURANCE CO ATTN: CT CORPORATION SYSTEM 1999 BRYAN STREET SUITE 900 DALLAS TX 75201-3140</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7014 1820 0000 0829 6202</p>	
<p>PS Form 3811, July 2013</p>		<p>Domestic Return Receipt</p>	

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box.

CIVIL CENTRAL FILING
ATTN: AMANDA
2016CV01051
3/7/2016

GERARD RICKHOFF, COUNTY CLERK
BEXAR COUNTY COURTHOUSE
100 DOLOROSA, SUITE 104
SAN ANTONIO, TEXAS 78205-3083

CLERK'S OFFICE
BEXAR COUNTY
A 11:40



FILED
 Bexar County, County Clerk
 Gerard Rickhoff
 Accepted Date: 4/4/2016 8:07:29 AM
 Accepted By: Marylou Gaylord
 _____/s/ Marylou Gaylord
 Deputy Clerk

No. 2016CV01051

PEDRO CARRASCO,	§	IN THE COUNTY COURT
	§	
Plaintiff,	§	
v.	§	AT LAW NO. 3
	§	
STANDARD INSURANCE COMPANY,	§	
	§	
Defendant.	§	BEXAR COUNTY, TEXAS

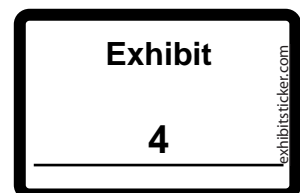
DEFENDANT'S ORIGINAL ANSWER

Defendant Standard Insurance Company ("Standard") files its original answer, and states:

1. **General Denial.** Subject to such admissions and stipulations as may be made at or before time of trial, Standard denies generally and specially the material allegations in Plaintiff's Original Petition, pursuant to TEX. R. CIV. P. 92, and demands strict proof thereof in accordance with the requirements of the laws of this state.

2. **Relief Requested.** Standard requests the following relief:

- (a) That Plaintiff take nothing by reason of his suit;
- (b) That Standard be dismissed with its costs; and
- (c) That Standard have such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.



Respectfully submitted,

By: s/ Ryan K. McComber

Ryan K. McComber

State Bar No. 24041428

ryan.mccomber@figdav.com

Kristina A. Kiik

State Bar No. 24074532

kristina.kiik@figdav.com

FIGARI + DAVENPORT, LLP

901 Main Street, Suite 3400

Dallas, Texas 75202

Telephone: (214) 939-2000

Facsimile: (214) 939-2090

ATTORNEYS FOR DEFENDANT

STANDARD INSURANCE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served on the following counsel of record via electronic filing on April 3, 2016:

Stephen G. Nagle
1002 West Avenue
Austin, Texas 78701

Via E-File: Efile.TXCourts.gov

s/ Ryan K. McComber

Ryan K. McComber